

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)**

HAWES, *et al.*,

Plaintiffs,

v.

MACY'S INC., *et al.*,

Defendants.

Civil Action: 1:17-CV-00754

Judge Timothy S. Black

DEFENDANT MACY'S, INC.'S MOTION TO DISMISS

Defendant Macy's Inc. ('Macy's) respectfully moves this Court pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure to dismiss the claims against Macy's in their entirety. Plaintiffs' class action claims should be dismissed for lack of standing to the extent they are based on products the named Plaintiffs did not actually purchase. Plaintiffs' ten claims for relief should be dismissed for failure to state a claim upon which relief can be granted.

This motion is supported by a Memorandum in Support filed separately.

Respectfully submitted,

/s/ Beth A. Bryan

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Jennifer K. Van Zant (motion for *pro hac vice*
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NC State Bar No. 21280
Andrew L. Rodenbough (motion for *pro hac vice*
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed via the Court's CM/ECF system, which will send electronic notification to all counsel of record.

This the 2nd day of January, 2018.

/s/ Beth A. Bryan
Beth A. Bryan